

REMARKS

In the Office Action mailed August 20, 2003, Applicants note with appreciation that the Examiner has made no art based rejections. In that same Office Action, Claims 1-47 are provisionally rejected under 35 U.S.C. §101, as claiming the same invention as that of all of the claims of copending Application. No. 09/809,671, which has been allowed. Claims 1-47 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all of the claims of copending Application. No. 09/809,671, which has been allowed.

Rejections under 35 U.S.C. §101

Claims 1-47 are provisionally rejected under 35 U.S.C. §101, as claiming the same invention as that of all of the claims of copending Application. No. 09/809,671, which has been allowed. Applicants respectfully disagree with the Examiner.

The claims of copending Application No. 09/809,671 are directed to a polyurethane geotextile composite comprising a geotextile impregnated with a polyurethane-forming reaction mixture with adjustable mix viscosity comprising a) a liquid polyisocyanate having an isocyanate group content of at least 10% by weight, b) an isocyanate reactive component comprising a polyether polyol having from 2-6 hydroxyl groups and a number average molecular weight of from 250 to about 8,000 and 0-10% by weight, based on total weight of b), of a low molecular weight diol or triol having a hydroxy equivalent weight of from about 31 to 99, c) a catalyst for catalyzing the reaction between hydroxyl groups and isocyanate groups, d) from 0.2 to about 5.0 parts by weight per hundred parts by weight of isocyanate-reactive component b) of a viscosity adjusting component; and optionally, e) filler, which has cured.

The instantly claimed invention is directed to a process for sealing a polyurethane/geotextile composite in a canal or ditch, comprising dispensing a non-sagging polyurethane composition onto a seam of a polyurethane/geotextile composite and allowing the composition to cure, the non-sagging polyurethane composition comprising a reaction product of a mixture comprising a) a liquid polyisocyanate component, b) 80-98% by weight, based on total weight of b) and c), of a liquid high molecular weight isocyanate reactive component comprising one or

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more hydroxyl group containing compounds having from about 2 to about 6 hydroxyl groups and a number average molecular weight of at least 250 and, 0-10% by weight, based on total weight of b), of a low molecular weight diol or triol having a hydroxy equivalent weight of from about 31 to 99; c) 2-20% by weight, based on total weight of b) and c, of an isocyanate reactive compound containing at least two amine groups, optionally, d) one or more fillers in an amount of up to 80% by weight, based upon the total weight of the non-sagging polyurethane composition and optionally, e) a catalyst.

Applicants point out that the instant claims are directed solely to a process for sealing a polyurethane/geotextile composite in a canal or ditch whereas the claims of copending Application No. 09/809,671 are directed to a polyurethane geotextile composite and methods of making that composite. Further, Applicants note that the instantly claimed process requires 2-20% by weight, based on total weight of b) and c, of an isocyanate reactive compound containing at least two amine groups, whereas the claimed polyurethane geotextile composite of copending Application No. 09/809,671 does not. The claimed polyurethane geotextile composite of copending Application No. 09/809,671 requires from 0.2 to about 5.0 parts by weight per hundred parts by weight of isocyanate-reactive component b) of a viscosity-adjusting component, whereas the instantly claimed process does not.

Applicants submit that because of at least the above-detailed differences, the instantly claimed invention differs from that claimed in copending Application No. 09/809,671. Therefore, applicants contend that the claims are in compliance with 35 U.S.C. §101, and respectfully request the Examiner reconsider and remove his provisional rejection of Claims 1-47 under 35 U.S.C. §101.

Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 1-47 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all of the claims of copending Application No. 09/809,671, which has been allowed. Applicants respectfully disagree with the Examiner.

The claims of copending Application No. 09/809,671 are directed to a

polyurethane geotextile composite comprising a geotextile impregnated with a polyurethane-forming reaction mixture with adjustable mix viscosity comprising a) a liquid polyisocyanate having an isocyanate group content of at least 10% by weight, b) an isocyanate reactive component comprising a polyether polyol having from 2-6 hydroxyl groups and a number average molecular weight of from 250 to about 8,000 and 0-10% by weight, based on total weight of b), of a low molecular weight diol or triol having a hydroxy equivalent weight of from about 31 to 99, c) a catalyst for catalyzing the reaction between hydroxyl groups and isocyanate groups, d) from 0.2 to about 5.0 parts by weight per hundred parts by weight of isocyanate-reactive component b) of a viscosity adjusting component; and optionally, e) filler, which has cured.

The instantly claimed invention is directed to a process for sealing a polyurethane/geotextile composite in a canal or ditch, comprising dispensing a non-sagging polyurethane composition onto a seam of a polyurethane/geotextile composite and allowing the composition to cure, the non-sagging polyurethane composition comprising a reaction product of a mixture comprising a) a liquid polyisocyanate component, b) 80-98% by weight, based on total weight of b) and c), of a liquid high molecular weight isocyanate reactive component comprising one or more hydroxyl group containing compounds having from about 2 to about 6 hydroxyl groups and a number average molecular weight of at least 250 and, 0-10% by weight, based on total weight of b), of a low molecular weight diol or triol having a hydroxy equivalent weight of from about 31 to 99; c) 2-20% by weight, based on total weight of b) and c, of an isocyanate reactive compound containing at least two amine groups, optionally, d) one or more fillers in an amount of up to 80% by weight, based upon the total weight of the non-sagging polyurethane composition and optionally, e) a catalyst.

Applicants point out that the instant claims are directed solely to a process for sealing a polyurethane/geotextile composite in a canal or ditch whereas the claims of copending Application No. 09/809,671 are directed to a polyurethane geotextile composite and methods of making that composite. Further, applicants note that the instantly claimed process requires 2-20% by weight, based on total weight of b) and c, of an isocyanate reactive compound containing at least two amine groups,

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whereas the claimed polyurethane geotextile composite of copending Application No. 09/809,671 does not. The claimed polyurethane geotextile composite of copending Application No. 09/809,671 requires from 0.2 to about 5.0 parts by weight per hundred parts by weight of isocyanate-reactive component b) of a viscosity-adjusting component, whereas the instantly claimed process does not.

Applicants submit that because of at least the above-detailed differences, the instantly claimed invention differs from that claimed in copending Application No. 09/809,671. Therefore, Applicants respectfully request the Examiner reconsider and reverse his rejection of Claims 1-47 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all of the claims of copending Application No. 09/809,671, which has been allowed.

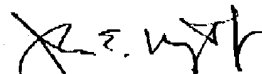
CONCLUSION

Applicants have made no claim amendments as the Examiner has indicated at page 3, paragraph numbered 5, of the instant Office Action that the instant claims are allowable over the references considered.

Applicants submit that the instant application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 1-47. If the Examiner is of the opinion that the instant application is in condition for other than allowance, he is invited to contact the Applicants' Attorney at the telephone number listed below, so that additional changes to the claims may be discussed.

Respectfully submitted,

By



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